

GP 1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
BOSSLET, *et al.*

Serial No. 09/302,434

Filed: April 30, 1999

For: BIFUNCTIONAL GLYCOPROTEINS HAVING A MODIFIED
CARBOHYDRATE COMPLEMENT AND THEIR USE IN TUMOR-SELECTIVE
THERAPY



Atty. Docket No: 26083/204

Group Art Unit: 1642

Examiner: J. Hunt Nichols

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The following is a response to the Office Action mailed June 20, 2000 in the above-identified application. It is believed that no fee is due, but should such a fee be due, consider this paragraph a request and authorization to charge the appropriate fee to Deposit Account No. 19-0741.

Applicants hereby provisionally elect with traverse Group II, claims 37-58, drawn to a kit and method of treatment comprising fusion glycoprotein and a non-toxic pro-drug, for prosecution in the present application. Additionally, applicants' provisionally elect the "enzyme" as the species of the first portion of the bifunctional fusion protein.

In regard to the restriction between Groups I and II, applicants respectfully submit that the pending claims do not require restriction because examination of all of the pending claims would not require additional searches or otherwise place a serious burden on the examiner as both groups of claims require a search of the bifunctional fusio glycoprotein. See MPEP 803.

In regard to requiring the election of species where the first portion may be an enzyme or a catalytic antibody, the examiner is reminded that upon the allowance of a generic claim, applicants are entitled to consideration of claims to additional species which are written in dependent form or contain all of the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

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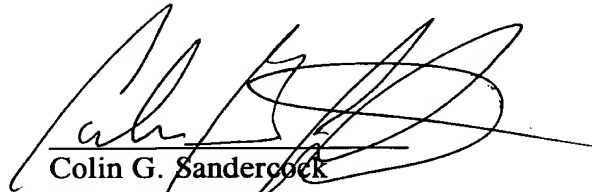
Applicants respectfully request that the examiner reconsider her position regarding this restriction requirement and examine all of the claims as one invention for the reasons set forth above. It is believed that the alleged separate inventions are related and should be examined as one invention.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

July 20, 2000

Date


Colin G. Sandercock
Reg. No. 31,298

FOLEY & LARDNER
Suite 500
3000 K Street, NW
Washington, D.C. 20007-5109
(202) 672-5300